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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	76626479
Applicant	Riowell, LLC
Correspondence Address	Rakesh M. Amin Amin Hallihan 444 N. Orleans Street, Suite 400 Chicago, IL 60610 UNITED STATES trademark@aminhallihan.com
Submission	Applicant's Request to Extend
Attachments	Applicant's Request for Extension of Time to File Brief.pdf (2 pages)(20970 bytes)
Filer's Name	Rakesh M. Amin
Filer's e-mail	ryan@aminhallihan.com
Signature	/Rakesh M. Amin/
Date	08/08/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Riowell, LLC

Serial No.: **76/626479**

Filed: **December 29, 2004**

Mark: **LEANLIFE**

Trademark Law Office No. 116

Examining Attorney: Susan Kastriner Lawrence

Applicant's Request for Extension of Time to File Brief In Connection With Appeal

Now comes Applicant, by and through its attorney Rakesh Amin of Amin Hallihan, LLC, and requests an extension of 30 days to file its main brief in connection with its Notice of Appeal. Applicant's appeal was resumed on June 10, 2008, thereby giving Applicant 60 days from that date with which to file its main brief. As such, Applicant's main brief is due on August 9th. Because August 9th falls on a Saturday, Applicant's main brief is in fact due on Monday, August, 11th. This is Applicant's first request for an extension of time to make a filing.

An extension of time for filing an appeal brief in an ex parte appeal to the Board may be granted by the Board upon written request showing good cause for the requested extension. See (TBMP) 1203.02(d); *In re Miller Brewing Co.*, 226 USPQ 666, 667 n.4 (TTAB 1985); *In re Tennessee Walking Horse Breeders' and Exhibitors' Ass'n*, 223 USPQ 188, 188 n.3 (TTAB 1984). TBMP 1203.02(d) also states that "the determination of good cause will be based upon all relevant circumstances" and that a reason such as the "press of other business" may be sufficient to show good cause for a first extension of thirty days. TBMP 1203.02(d).

Applicant's counsel is preparing for a patent infringement trial which has required significant travel and preparation throughout the past months. In light of this press of business, Applicant's counsel has not had sufficient time with which to prepare its main brief. This delay is due to the imminent trial noted above, and has not been the result of any lack of diligence on the part of Applicant's attorney. Thus, Applicant's counsel respectfully seeks a 30 day extension so that counsel may properly prepare its brief.

This is Applicant's first request for an extension in this matter. The request comes within the time allowed for the filing of Applicant's main brief. The request was made necessary by the press of business (*i.e.* preparation for an imminent patent infringement trial), and was not the result of bad faith, dilatory motive or lack of diligence. Finally, no prejudice will result to any parties if this extension is granted.

WHEREFORE, Applicant respectfully requests that the Board grant it a reasonable extension of 30 days, up to and including September 10, 2008, to file its main brief in connection with the instant appeal.

Respectfully submitted,

Date: August 8, 2008

/s/ Rakesh M. Amin

Rakesh M. Amin
Attorney for Applicant
Amin Hallihan, LLC
444 N. Orleans Street, Suite 400
Chicago, IL 60654
Phone: (312) 327-3382
Fax: (312) 223-1515
trademark@aminhallihan.com